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# The University Studies

VOL. III NO. 3

MARCH 11, 1907

## The History of Cumulative Voting and Minority Representation in Illinois, 1870-1908

BY

BLAINE F. MOORE

SOMETIME GRADUATE SCHOLAR IN POLITICAL SCIENCE

WITH A PREFACE BY

J. W. GARNER, PH.D.

PROFESSOR OF POLITICAL SCIENCE  
UNIVERSITY OF ILLINOIS

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**University of Illinois**

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## PREFACE.

Popular interest in the principle of minority representation has slowly and steadily increased since its first application in Denmark in 1855 and in England in 1867, and recent years have seen the principle extended in practice to many parts of the world. In 1889 it was introduced into Japan contemporaneously with the establishment of constitutional government. In the early nineties it made its appearance in the Swiss Cantons of Ticino and Neuchâtel from which it spread in succession to the Cantons of Geneva, Zug, Solothurn, Berne, Friburg, Basel and Schwyz, being applied in some cases to the election of the cantonal legislatures, in others to the municipal councils. In 1899 it was introduced into Belgium, in 1905 into Moravia; in 1906 into Finland and Württemberg, in 1907 into Sweden and Tasmania and in 1908 into Cuba and Oregon. In the meantime the principle has had a practical test under favorable conditions in the State of Illinois through a period extending over nearly forty years.

The present paper, originally prepared for the Seminar in political science in the University of Illinois, embodies the results of an inquiry into the actual workings of the cumulative voting system for the choice of representatives in the Legislature of Illinois, an examination of the objections that have been urged against the system in the form in which it exists and a consideration of its effect upon the personnel of the Legislature and upon the activity of the political parties in the nomination of candidates.

Mr. Moore finds that in only three instances since the scheme was put into operation has it failed to give the principal minority party in each district representation, and, also, that with three exceptions third parties have always been able to choose representatives in each Legislature, the number usually ranging from two to five members. Of course, the scheme does not secure exact



proportional but only minority representation, yet so far as the two dominant parties are concerned, the representation which each secures approximates fairly the principle of proportionality. The minority party does not ordinarily secure undue representation, but owing to certain "mishaps" which are fully explained by Mr. Moore, there have been some instances (twenty-four altogether) in which the minority actually secured more than its rightful share of representatives—a contingency which might happen under any system of representation.

The system necessarily requires party control and supervision in determining the number of candidates to be nominated by the two dominant parties in each district. Obviously, as Mr. Moore shows, if each party should nominate three candidates in each district, as is advocated by some reformers, though it would give the voters a wide range of choice, it would necessarily result in the destruction of the principle of minority representation and the dominant party in each district would secure all three of the representatives to be elected and the minority none. He points out that if the law should require each party to nominate as many candidates as there are places to be filled the minority party to save itself would be forced to treat two of the candidates as technical merely and would "plump" its votes on the third candidate, otherwise it would fail to secure any representation at all. The new primary law recognizes the practical necessity of party control by empowering the party committee in each district to determine the number of candidates to be nominated by its party, and the criticism which has been directed against this provision as one which fosters machine control and bossism is not well founded.

Mr. Moore clears the system of several objections that have been urged against it and asserts that none of them or all of them together are sufficient to condemn the system. Most of the evils complained of would exist equally under any other system and certainly the gerrymander would flourish as it does not under the present method. The practical difficulties of voting and canvassing the returns under the present system are too inconsider-

able to constitute a real objection. The cumulative method undoubtedly secures what its advocates intended it to accomplish, namely, the legislative representation of the principal minority party in the State, and this result has been secured without serious practical difficulties. Whether, therefore, the system should be retained is mainly, though not wholly, a question of the merits of minority representation as a principle of representative government.

J. W. GARNER,  
*Professor of Political Science,*  
*University of Illinois.*

December 9th, 1908.

## I.

## INTRODUCTION.

The founders of the American Republic were thoroughly imbued with the spirit of equal political rights to all, but in a country so extensive and populous as the United States, direct participation in government by each citizen was obviously impossible. To avoid this difficulty and yet apply the theory to a practical government a representative democracy was formed. It was soon apparent, however, that the scheme adopted secured only partial representation inasmuch as officials were sometimes elected by an actual minority of the voters and consequently large classes had no authorized agent in the legislative councils. To remedy this defect various plans were proposed, differing in details and complexity, but which in general may be classified as the limited vote, the cumulative vote, the "free list," and preferential voting.

The movement for representative reform was not accidental but was the logical result of prevailing conditions and theories. During the first half of the nineteenth century the various states busied themselves with liberalizing their governments and properly distributing political power among the legislative, judicial and executive departments. When this was accomplished to some degree of satisfaction their attention was next turned to securing better representation for minority parties and factions which had greatly increased because of the wide extension of the elective franchise about the middle of the last century. In England there was a particular reason for advocating proportional representation, for when the number of voters was largely augmented in 1867, the aristocratic and landed classes feared that they would be entirely excluded from representation in the government unless some form of minority representation should be provided. The political leaders, however, were soon convinced that they had nothing to fear from the newly made voters and consequently lost interest in the reform.

While active agitation for representative reform began about 1865, its origin can be traced farther back. In 1814 Norway made some provisions in its constitution for the representation of minority parties. During the discussion on the Reform Bill in England in 1832, minority representation was considered but received no legal recognition. In the United States some of the states, where the general ticket plan of election prevailed, were sending single party delegations to Congress and in 1842 that body directed that Representatives in Congress should be elected by the district method, thus insuring better representation for both parties and localities. In 1845 the Danish government adopted a plan of proportional representation.

The year 1844 marks the beginning of a permanent literature and systematic study of the subject. In that year appeared Thomas Gilpin's work entitled: "On the Representation of Minorities of Electors to Act With the Majority in Elected Assemblies," but the volume attracted little attention at the time of its publication. Ten years later James Garth Marshall published his "Majorities and Minorities: Their Relative Rights," a book which contained the first printed account of the cumulative vote. In 1859 Thomas Hare produced his noted volume, "The Election of Representatives, Parliamentary and Municipal." John Stuart Mill became an advocate of representative reform in 1865 and popular interest in the scheme was now fairly well started.

In England the discussion crystallized into law in 1867 when the limited vote so-called was adopted for parliamentary districts returning three members. In 1870 the members of the English school boards were elected by the cumulative vote. The number of places to be filled was comparatively large and the voters manipulated their ballots to suit their individual tastes, which inevitably resulted in confusion and inequalities. In the United States, during the period of the bitter struggle in Congress following the Civil War, the need of representative reform became evident for not only was the Congress then sitting representative of only one section of the country but fresh in the minds of the people

was the memory of a great war, hastened, if not brought on, by the action of governing bodies in which the radicals of both sections predominated to the exclusion of a large body of conservatives. In 1867<sup>1</sup> and 1869<sup>2</sup> Mr. Buckalew of Pennsylvania proposed in the Senate of the United States that the cumulative vote be applied to the election of Representatives in Congress. In 1870<sup>3</sup> and again in 1871<sup>4</sup> the subject was debated in Congress, but this body was not inclined to make concessions to the Democratic minority.

Although the various representative reform bills failed in Congress more success was attained in the states. In 1867 New York used the limited vote in the election of delegates to a constitutional convention.<sup>5</sup> A clause providing for minority representation in the state legislature was incorporated in the Illinois constitution of 1870. The cumulative vote was applied to municipal elections in Pennsylvania in 1871<sup>6</sup> and to Wilmington, North Carolina, in 1872,<sup>7</sup> but in both cases the laws authorizing this were soon repealed. In the latter year, in an attempt to break the power of Tammany, the cumulative vote was provided for in a new charter, for the city of New York,<sup>8</sup> but the Governor interposed his veto.<sup>9</sup> Pennsylvania applied the limited vote in 1873 to the election of certain judicial officers. By constitutional provisions the cumulative vote has been applied to the election of directors in private corporations in eleven states.<sup>10</sup> Although popular interest in the

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<sup>1</sup>Congressional Globe 40th Congress, 1st Session, p. 513.

<sup>2</sup>Congressional Globe 40th Congress, 3rd Session, p. 320.

<sup>3</sup>Congressional Globe, 41st Congress, 2nd Session, p. 4735, et seq.

<sup>4</sup>Congressional Globe 42nd Congress, 2nd Session, pp. 63, 110.

<sup>5</sup>Session Laws, 1867; ch. 194, p. 286.

<sup>6</sup>Session Laws, 1871; p. 283.

<sup>7</sup>Private Laws, Session 1871-72, p. 139.

<sup>8</sup>Proposed Changes, 1872, Art. II, Sec. 4.

<sup>9</sup>Public Papers of Governor John T. Hoffman. This message discusses at considerable length the advantages and disadvantages of University representation.

<sup>10</sup>Ill., Neb., Cal., Penn., W. Va., Miss., Idaho, Ky., N. Dak., Montana, Mo. Common's "Proportional Representation," p. 264.

reform waned rapidly after about 1875 the movement has never completely lost its vitality. Ohio<sup>1</sup> in 1884 and Michigan<sup>2</sup> in 1889 made a limited application of the principle of proportional representation, but in both cases the laws applying the theory were held to be unconstitutional.<sup>3</sup> In 1891 South Dakota rejected a proposed constitutional amendment providing for minority representation in the legislature. About the same time some of the Swiss cantons provided for proportional representation and in 1899 Belgium adopted a modification of the Swiss plan.<sup>4</sup>

That a theory which contains so much inherent justice failed to receive wider application is due to a variety of causes, the most important of which are the practical defects of the various plans tried and the failure to protect them from abuse. Moreover, the enactment of such a law involves the giving of large power to an opposing minority and such self-sacrifices are not common in the history of political parties.

In but two states, Illinois and Pennsylvania, has the experiment extended over a period of time sufficiently long to afford it an opportunity to work out logical results. The constitution of Pennsylvania, in a special provision for Philadelphia, provides that in the election of city magistrates, "No voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen."<sup>5</sup> The constitution also states that "Whenever two judges of the supreme court are to be chosen for the same time of service, each voter shall vote for one only, and when there are three to be chosen he shall vote for no more than two."<sup>6</sup> Although excellent judges have generally been chosen, yet the limited vote seems to be regarded as a useless complication and will probably be dropped at the first opportunity.

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<sup>1</sup>Session Laws, 1884, p. 121.

<sup>2</sup>Session Laws, 1889, p. 374.

<sup>3</sup>State v. Constantine, 42 Ohio, 437; Maynard v. Board of Canvassers, 84 Mich., 228.

<sup>4</sup>Pasinomie, 1899, No. 509, p. 393.

<sup>5</sup>Constitution of 1873, Art. 5, Sec. 12.

<sup>6</sup>Constitution of 1873, Art. 5, Sec. 16.

## II.

## ADOPTION OF THE CUMULATIVE SYSTEM IN ILLINOIS.

In Illinois the defects of the existing constitution, especially the legislative provisions, were constantly becoming more apparent to political leaders, and in 1862 an unsuccessful attempt was made to remodel the organic law of the state.<sup>1</sup> As soon as the Civil War was over constitutional reform was again considered, and the question of calling a convention was referred to the people for decision. Although there was practically no opposition the indifference was so great that the proposition was carried by a very small majority. Delegates were duly elected and the convention met December 13, 1869. The assembly was probably the ablest body that had ever met in the state, a large number of the members having had extensive experience in public affairs. The first week was consumed in organizing and on December 20th the Standing Committees were announced.<sup>2</sup> One of these was designated as the Committee of Electoral and Representative Reform, Joseph Medill of Chicago being chairman. The fact that this committee included some of the best known and ablest men in the assembly shows how important the convention considered the need of representative reform. The people at large, however, judging from the small number of petitions sent in to the committee, took but little interest in the subject. A few petitions proposing various plans of proportional representation were received, and at least one remonstrance against the adoption of any such innovations was presented.<sup>3</sup>

On February 10th the committee made a report embodied in five sections. The first provides for the ratio of senatorial representation; the second, that three times the number required for a senatorial ratio should constitute a senatorial district, each of

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<sup>1</sup>See O. M. Dickerson "The Constitution of 1862," University of Illinois Studies, Vol. I, No. 9.

<sup>2</sup>Debates and Proceedings, constitutional convention, Vol. 1, p. 75.

<sup>3</sup>*Ibid*, p. 703.

which should choose three senators. Similar provisions are made for representatives and representative districts. Sections three and four are "floater" clauses, providing that in case any district should have a fraction of population above the ratio so large that being multiplied by the number of regular sessions of the legislature in a decade the result should be equal to one or more ratios, that district should elect an extra representative or senator in those years in which the fraction so multiplied would produce a whole ratio.

The fifth section states that "In all elections of Senators and Representatives each qualified voter be entitled to as many votes as there are Senators or Representatives to be elected by the same constituency and may distribute them (or equal fractions thereof), equally or unequally among the candidates or concentrate them upon one, at his option; and the candidate highest in votes shall be declared elected."<sup>1</sup>

The committee's recommendations were taken up in the convention on May 6th and the chairman then offered a substitute for the previous report. This substitute is much shorter than the original provision and consists of but three sections. The first provides that the apportionment for the Senate shall be made every ten years, beginning with 1871; the second, that the House of Representatives shall consist of three times the number of the members of the Senate, and that three Representatives shall be elected in each senatorial district.

Section three contains the cumulative voting provision and is as follows: "In all elections of Representatives aforesaid each qualified voter may cast as many votes for one candidate as there are Representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates as he may see fit; and the candidate highest in votes shall be declared elected."<sup>2</sup>

The report also recommends that these sections be submitted

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<sup>1</sup>Debates and Proceedings, Constitutional Convention, Vol. 1, p. 561.

<sup>2</sup>*Ibid* Vol. 2, p. 1726.



to the people as a distinct proposition, separate from the main body of the constitution, for their rejection or approval.

It will be seen from the above that cumulative voting was to be restricted to election of members of the lower House of the legislature instead of applying to both Houses as in the original report. Also the "floater" idea was entirely abandoned.

The argument accompanying the report is a summary of the theories of the times regarding minority representation. The first part is devoted to a review of the general theory of the subject, pointing out the injustice and inequalities of the usual majority rule and showing how unrepresentative most deliberative bodies really are. An argument is then presented for the particular system recommended. It is asserted that obviously single member districts could give no opportunity for anything but majority rule, while two-member districts might easily afford the minority undue power, hence the smallest district that would make minority representation possible is a three-member one. The districts should be as small as possible consistent with the ends sought so as to make the members representative of localities and also do as little violence as possible to existing customs.

The argument which applies especially to local conditions, and the most effective one in the entire report, is that referring to sectional representation. It is stated that since 1854, with few exceptions, all the Senators and Representatives in the northern half of Illinois had been of one political party, while the legislators from the other half of the state, with equally few exceptions, had been of the opposing party. In round numbers, 100,000 Republicans living south of the state capital had been practically disfranchised and almost as many Democrats in the northern districts had suffered from the same discrimination. It is pointed out that if alternate districts throughout the state were Republican and Democratic conditions would not be so bad as where an entire section was wholly under the domination of one or the other party, but such was distinctly not the case. An examination of statistics

showed also that in the previous legislature a minority of electors had elected a majority of representatives in that body.

The freedom and power of the voter is also emphasized in the report. Under the ordinary election method, when more than one official is to be chosen for an office, if a voter objects to any one candidate, and refuses to vote for him, he simply loses a portion of his privilege. Under the cumulative method, or "free ballot," as it was called, he may transfer his entire vote to other candidates and hence lose nothing. The argument concludes with a glowing account of the benefits which would result from the proposed reform. "The adoption of this great reform would do much towards abating the baneful spirit of partisan animosity and removing the temptations and opportunities which now exist for the corrupt use of money at elections. \* \* \* It will also tend powerfully to relieve the voter from the despotism of party caucuses, and at the same time constrain party leaders to exercise more care in selecting candidates for lawmakers. There is nothing which will more effectually put an end to packing conventions than arming the voter with the three-shooter or triple ballot, whereby he may fire 'plumpers' for the candidate of his choice and against those of his aversion. It will increase the usefulness of the legislature by improving the membership. It will enable the virtuous citizens to elect the ablest and purest men in their midst and secure to the legislative councils a large measure of popular confidence and respect."<sup>1</sup>

After briefly considering the report, the convention, by a large majority, adopted all its sections, but as it was distinctly understood that this was simply referring the question to the people the vote did not reflect the sentiment of the convention nor was there any debate on the subject which would indicate the individual opinions of the members. At the popular election the people, by 99,022 affirmative and 70,080 negative votes, adopted

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<sup>1</sup>Debates and Proceedings, Constitutional Convention, Vol. 1, p. 563.

the scheme. The advocates of the measure rejoiced that Illinois was thus the first state to inaugurate this democratic and beneficent reform in the choice and construction of the legislature, and was thus to stand as the pioneer in a movement which they thought would strengthen and purify our political system and which would eventually be universally applied. Across the Atlantic the great "London Times," in its issue of anuary 13, 1870, in discussing the subject, said: "And in Illinois, and what Illinois thinks today the Union will think tomorrow, the discussion is passing from theory to practical approval."

### III

#### THE DEGREE OF MINORITY REPRESENTATION SECURED BY THE CUMULATIVE SYSTEM.

In the preceding chapter the conditions prevailing at the time of the adoption of the cumulative system of voting in Illinois and the advantages which the supporters of the measure promised, have been described. It is now proposed to consider the actual results of more than thirty-five years' practical test of the plan and to ascertain, as far as possible, to what extent the method has justified the expectations of its advocates.

A question that logically arises at once is, does the cumulative voting system always give in each district a minority party representation? The answer to this question, with a few rare exceptions which will be noted later, can be given definitely and decisively in the affirmative. In every senatorial district in the state, with the few exceptions already mentioned, at least two parties and occasionally three have been represented in the lower House of the Legislature. The time-honored and usual practice is for the majority party to have two representatives and the minority one, with occasionally a third party candidate defeating one

of either the two principal party nominees. Although there have been biennial elections in each of the fifty-one districts since 1872<sup>1</sup> under the present constitution, in but three instances have all three representatives been the regular nominees of one party.<sup>2</sup> In several other instances the Republicans have had nominally three members but in these cases one or two of the representatives ran on independent tickets as Independent Republicans, and were not regular nominees of the party.<sup>3</sup> This was especially true of the elections in 1874 for the Twenty-ninth Assembly, when in many districts the Democrats nominated no candidates and helped elect the independents.

The figures show that the cumulative method has in practically all cases given a minority party representation, but this does not necessarily imply that it gives exact proportional representation. The originators of the scheme did not assert that it

<sup>1</sup>See Mss. p. 16a.

<sup>2</sup>These instances are: District No. 38 in the 36th General Assembly (1888-1890) when the Democratic party had three representatives. Districts Nos. 5 and 10 in the 40th Assembly (1896-98) where there were three Republicans in both cases.

<sup>3</sup>The following table indicates districts and time of such occurrences:

1874—29th General Assembly District 15, 1 regular and 2 Independent Republicans.
1874—29th General Assembly District 20, 2 regular and 1 Independent Republicans.
1874 —29th General Assembly District 23, 2 regular and 1 Independent Republicans.
1874—29th General Assembly District 28, 2 regular and 1 Independent Republicans.
1874—29th General Assembly District 29, 2 regular and 1 Independent Republicans.
1874—29th General Assembly District 30, 2 regular and 1 Independent Republicans.
1874—29th General Assembly District 32, 1 regular and 2 Independent Republicans.
1874—29th General Assembly District 46, 1 regular and 2 Independent Republicans.
1886—35th General Assembly District 16, 2 regular and 1 Independent Republicans.

would secure proportional representation to any degree of exactness but contented themselves with calling the plan minority representation. It is a mistake to suppose that the system is based primarily on the proportional idea yet so far as the two dominant parties are concerned it has led to a proportional representation approaching mathematical exactness, as is indicated by Table I. Presidential years only have been used, for they give a more reliable index of the real party strength since in the "off" years party lines are frequently ignored because of local issues or fights and also because the interest in the few state officers to be elected is not sufficient to bring out the full vote.

TABLE I  
COMPARISON OF LEGISLATIVE VOTE AND REPRESENTATION OF THE DEMOCRATIC AND REPUBLICAN PARTIES IN PRESIDENTIAL YEARS

Year	Republican Presidential Vote	Democratic Presidential Vote	Senators		Represent- atives		Ratio of Democratic to Republican votes ex- pressed in per cent.	Ratio of Demo- cratic to Repub- lican members expressed in per cent.		Members of legis- lators not mem- bers of Rep. or Dem. parties.	
			Republican	Democratic	Republican	Democratic		Senate	House	Senate	House
1872	241,944	189,938	34	17	86	67	78	50	86		
1876	278,232	258,601	21	22	79	67	93	105	85	8	7
1880	318,037	277,321	32	18	82	71	87	56	86	1	
1884	337,469	312,351	26	25	77	75	92	96	97		1
1888	370,475	348,371	35	15	79	73	94	43	92	1	1
1892	399,288	426,281	22	29	75	78	106	132	104		
1896	607,130	464,523	38	12	88	63	76	31	71	1	2
1900	597,985	503,061	32	19	81	72	84	59	89		
1904	632,645	327,606	42	9	91	57	51	21	62		5

Absolute conclusions cannot be drawn from the above table for any one year because of the fact that but half of the Senate is renewed at any one election. Hence, there are at every session 50 per cent of "holdovers" in the Senate who may or may not represent the present majority party in their respective districts, and this may operate to prevent the Senate from being as representative as the House. As a whole the table indicates how nearly each House has come to representing the prevailing political opinion through a series of years. It will be observed that, except in one instance (1884) when the two parties approximated proportional representation in both Houses, the lower House comes much nearer indicating the relative strength of the two dominant parties than does the Senate. The variation in the House in 1872 is due, partially at least, to the fact that the voters were not familiar with the scheme and the parties were not organized to meet the new conditions and take advantage of them. The variation in 1904 is due largely to an abnormal Presidential vote and the proportion of members in the House probably more nearly represents actual party strength than does the Presidential vote. In all other years the percentage of votes cast corresponds fairly closely to the percentage of members of the party in the House. The Senate, however, shows a wide variation. In 1888, 1896, and again in 1904, the minority party had less than half the number of Senators it was entitled to as compared with the majority party, while all the years (1884 excepted) show a large discrepancy, the majority, as is to be expected, always having more members than its just proportion. In this connection it should be remembered that Senators and Representatives are elected from the same districts.

It is mathematically evident that any party which is able to poll more than one-fourth of the votes in a district may, by "plumping," that is, casting all three votes for one man, elect a Representative. That a comparatively small faction can thus elect a member presumably would operate for the benefit of third

parties, but as a matter of fact these minor parties have had but few representatives in the House. The total vote which they have cast in the state as a whole has been quite large, yet it seldom happens that any minor party has more votes than the weaker of the two large ones in any one district. However, with the exceptions of 1872, 1892, and 1900, third party men have been in every legislature, five in the House in 1904-06, and one or two in each of the other years.

Table I shows to what extent the cumulative vote affords proportional representation when only the *two dominant parties* are considered. Table II gives the total legislative vote, the vote by parties and the actual and proportional representation of each party in the legislature elected in 1906.

TABLE II  
ILLINOIS LEGISLATURE, 1906

	Vote for representative	per cent of total	Representatives elected	Proportional
Republican	1,154,258	48	89	73
Democratic	870,347	36	61	55
Prohibition	161,275	7	3	11
Socialistic	99,633	4		6
Independent Labor	87,131	4		6
Independent and Scattering	22,269	1		2
	<u>2,394,973</u>	<u>100</u>	<u>153</u>	<u>153</u>

	Vote For Senator	Per cent Total	Senators Elected	Proportional
Republican	237,846	53	44	27
Democratic	142,567	32	7	16
Prohibition	11,998	3		2
Socialistic	25,965	6		3
Independent Labor	26,859	6		3
Independent	324			
	<u>445,559</u>	<u>100</u>	<u>51</u>	<u>51</u>

Opponents of the cumulative method have called attention to the large number of votes cast in the state by the minor parties

which elect few or no candidates. In the election of 1906, the Prohibitionist, Socialist and Labor parties had in the aggregate 348,139 votes (not voters), which was about fifteen per cent of the total vote, yet all these combined elected but three members of the House. In Cook County alone the same year 183,178<sup>1</sup> votes were cast which secured no representation whatever. These statements simply establish what has already been asserted, that the cumulative voting plan does not claim to be primarily a *proportional* representation scheme, but a minority party representation device and the tables and figures cited above indicate how far the system gives a minority party representation and to what extent it gives, or fails to give, proportional representation to all parties.

While it is true that minor parties receive no great benefit from the scheme, the defect may not be really so great in practice as it appears. The principle of government by parties is firmly fixed in American politics and the few third party members of legislative bodies are not taken into the councils of either of the dominant parties and, except in the unusual cases where they happen to hold the balance of power, they are given but little consideration and have but little opportunity to exert any influence. Moreover, where a large number of parties and factions are represented, a legislative body almost inevitably degenerates into a mere debating society and hence legislates with difficulty. This is well illustrated by the Twenty-ninth Assembly, when in the Senate there were 24 Republicans, 19 Democrats and 9 Independents, Liberals, etc. In the House, the Republicans had 69 members, the Democrats 42 and there were 41 Independents and others difficult to classify.<sup>2</sup> The proceedings of the Assembly were marked by disgraceful scenes, personal combats and finally

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<sup>1</sup>Cook County figures from statement prepared by Legislative Voters League, Chicago.

<sup>2</sup>Figures taken from Moses': *Illinois; Historical and Statistical*, p. 829. These figures do not entirely harmonize with newspaper accounts due probably to the difficulty of classifying some members.



it adjourned with but a few results to show for its labors. Theoretically it may be very proper and just for each faction to be represented in exact proportion to its voting strength, but experience scarcely bears out the practical expediency of such a theory.

Since at legislative elections each voter is allowed "to multiply himself three times" at the polls, the 370,000<sup>1</sup> votes cast in the state securing but three legislators represent approximately 123,400 voters and the 183,000 ineffective votes in Cook County about 61,000. In this connection it is only necessary to point out that the same year, in the state elections, 370,333 votes were cast for Superintendent of Public Instruction and 407,039 votes for Treasurer, which elected no official and were entirely lost or wasted. In Cook County in the same year, sixteen out of the nineteen districts elected Senators and 121,239 votes failed to secure representation. Had elections been held in all districts and the ratio of ineffective votes remained the same for the three districts as in the other sixteen there would have been about 144,000 votes lost in the county, as compared with 61,000 lost in representative elections.

Although the cumulative method does not secure exact proportional representation for all parties it has at least the virtue of approximating it much more closely than does the ordinary majority system and with far less waste of votes than usually prevails.

It is evident from a consideration of Table I, page 18, that where the system of minority representation prevails, gerrymandering is largely shorn of its viciousness. When some minority party is practically certain of securing at least one member out of three in each district, the gross inequalities and injustice that frequently prevail as the result of the gerrymander must be greatly reduced. In Massachusetts in 1892 it required 16,560 Democrats to elect one State Senator and only 6,182 Republicans to accomplish the same result. In other words, one Republican

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<sup>1</sup>This includes 22,269 scattering votes not included in the Prohibition, Socialist and Labor vote previously given.

equaled two and two-thirds Democrats. In 1894 Democratic members of the lower House of the General Assembly of New York received an average of 21,783 votes and the Republicans 6,341. In Michigan the same year, using the vote for Governor as a basis, the Republicans with 237,215 votes elected 99 members of the lower House of the legislature while the Democrats with 130,823 votes secured but one. In Ohio in 1892 one Republican vote for legislator was equal to nearly two and one-fourth Democratic votes.<sup>1</sup> In Illinois in 1906 it required 9,089 Republican and 35,889 Democratic votes to elect a state Senator, while for the House, with the cumulative method, in the same year, 12,970 Republican and 14,268 Democratic votes elected a Representative. The apportionment of Illinois was made in 1901 when the Republicans had a majority in both Houses and they were probably as keenly alive to party advantages as any body of legislators and that they succeeded in discriminating against the opposition is shown by the inequalities in the senatorial vote. While the House vote shows some variation and can scarcely be regarded as ideal, nevertheless it has none of those glaring inequalities so frequently prevalent as the result of the inherent injustice of the majority system combined with the consummation of political art in juggling district boundary lines.

The constitution provides that "In all elections of Representatives aforesaid each qualified voter may cast as many votes for one candidate as there are Representatives to be elected or may distribute the same in equal parts thereof, among the candidates as he shall see fit."<sup>2</sup> Leaving the voter really free, without the restrictions of party discipline, to cast these three votes as he sees fit might easily lead to an enormous waste of votes by "plumping" on one candidate, thus giving him far more votes than necessary to elect, while a minority by judiciously distributing its votes

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<sup>1</sup>Figures for Mass., N. Y., Michigan, Ohio, compiled from statistics given in Common's *Proportional Representation*. pp. 65-67.

<sup>2</sup>Article IV, section 7.

might elect two candidates and secure more than its just share of power.

It is frequently asserted by the opponents of the cumulative method that by means of it minority parties do often secure undue representation. Whether this assertion is correct or not depends very largely upon one's view regarding the rights of minorities. If, as asserted by some violent partisans, the minority has few or no rights that must be respected by the majority, and that since the majority party alone is responsible for policies or legislation, this party should have a free hand, then the cumulative vote does give a minority party excessive representation. If, however, the more sane and just assumption is made that a minority has certain rights which a majority is ethically bound to respect and that the minority is entitled to about the same ratio of representation in the legislative body as it bears to the whole body politic, there is still some question as to whether the minority does not secure more representation than it justly deserves. The possibility of this may be illustrated mathematically by the following hypothetical case. The majority in a district casts 18,000 votes and the minority 16,000. A and B are majority and C and D are minority candidates. A, for some reason, attracts more than his share of votes and receives 11,000, leaving 7,000 for B. The minority candidates run more evenly and each receives 8,000 votes. The result manifestly is that a faction, while casting an actual minority of the total vote, has elected two out of three members. This is a possible undesirable condition, but one which actually occurs so seldom that it does not constitute a very formidable objection. Such inequalities are found occasionally but always in districts where the two parties are of nearly equal voting strength. In some cases the defect has been the result of "plumping," but frequently such miscarriages occur in districts so close that a few votes either way would change the result of the election.

Table III indicates the districts in which such mishaps have occurred and the vote in each case.

TABLE III

TABLE OF DISTRICTS IN WHICH A MINORITY PARTY HAS ELECTED A  
MAJORITY OF REPRESENTATIVES.

	Year	Dist ricts		Republican Vote			Democratic Vote		
						Total			Total
1	1872	24	x 6,334	x 6,889		13,233	x 6,984	6,268	13,252
2		26	x 5,591	x 5,587		11,178	x 6,377	5,314	11,691
3		45	x14,629			14,629	x 6,170	x 7,159	13,329
4	1874	13	3,405	x 4,017	3881	11,303	x 4,188	x 4,038	8,226
5		25	x 6,838	4,984		11,822	x 5,302	x 5,101	10,403
6	1876	14	x 6,417	x 4,338		9,755	4,255	x 7,527	11,782
7		27	x 8,122	x 8,586		16,708	8,047	x 9,526	17,513
8	1878	41	x 5,516	x 4,451		9,967	x 5,549	4,433	9,982
9	1880	24	x 7,349	x 7,219		14,558	x 7,443	7,142	14,586
10	1882	9	x 3,440	x 3,228		6,668	x 5,236	3,130	8,366
11		32	x 8,784	x 8,725		17,509	x 9,325	8,194	17,519
12	1884	15	x 9,953	6,997		16,950	x 7,142	x 7,687	14,489
13	1892	6	x25,957	x25,728		51,685	x61,637		61,637
14	1892	32	x11,066	x11,090		22,156	x11,420	10,747	22,167
15	1894	9	x19,980			19,980	x 8,744	x 9,635	18,379
16		43	13,329	x14,020		27,349	x13,527	x13,422	26,749
17		45	x11,140	9,628		20,768	x 9,793	x 9,699	19,492
18	1896	40	15,175	x15,603		30,778	x15,224	x15,272	30,496
19	1898	6	x15,091	x14,992		30,083	x15,685	14,909	30,594
20		49	x10,264	x10,080		20,344	x10,697	9,685	20,382
21	1900	23	x15,136	12,226		27,362	x12,776	x13,131	25,087
22	1904	17	x16,265			16,265	x 7,483	x 6,610	14,093
23		46	x28,235			28,235	x12,682	x12,429	25,111
24	1906	39	x 9,931	x 9,965		19,896	9,766	x13,724	23,490

x indicates the successful candidates in each case.

It will be seen that there have been twenty-four cases in which the minority clearly had an undue share of representation. In four cases (Nos. 3, 15, 22, 23) this was caused by over conservatism of the party managers or by inaccurate estimation by the dominant party of its voting strength, as shown by its failure to nominate more than one candidate. In six instances (Nos. 1, 8, 9, 11, 14, 20) the contest was so very close and such a small number of votes and a yet smaller number of voters would have turned the scale that a party which thus lost a representative could have but little ground for a complaint of injustice. In one instance (No. 4) the majority failed to elect its quota because it had three candidates in the field. In the remaining fourteen cases there is evidence of "plumping" to

a greater or less extent. This was sometimes caused by the comparatively great personal popularity of one candidate, sometimes because one was backed by an aggressive "machine," but more frequently where two or more counties were joined to make up a district one county "knifed" a candidate from another and "plumped" for the "home" man, thus getting local revenge at the expense of the party and fair representation.

Table III covers a period of 18 elections in 51 districts, the minority securing a majority of representatives in about  $2\frac{1}{2}$  per cent of the total number of elections. Whether due to "plumping" or other causes the proportion of "mishaps" is small and the system has so seldom been subverted in such a manner as to defeat the will of the majority that there can be no serious accusation against the cumulative method in this regard.

It has been held that because of the peculiar method of electing representatives the party carrying the state elections may fail to secure the majority in the legislature to which it is entitled. The example cited is that of the year 1890, when the Democrats, for the first time in years, secured the small number of state officers elected that fall. In the Senate the Republicans had 27 and the Democrats 24 members. In the House there were 73 Republicans, 77 Democrats and 3 Farmers' Alliance members, the latter thus holding the balance of power on joint ballot. The above figures show that so far as the House is concerned the Democrats did have a small majority and the failure to secure a majority on joint ballot was due to the non-representative character of the Senate, since of the 26 Senators who held over 16 were Republican.

Partisans are inclined to assert that great harm may be done the majority by a minority securing undue representation at certain critical times. This is most apparent when a United States Senator is to be elected and the classical example given is the Senatorial election of 1877. In the elections of 1876 the Republicans cast for President 278,232 votes and the Democrats

258,601.<sup>\*</sup> In the legislature which assembled in 1877 as the result of the fall elections, there were in the Senate 21 Republicans, 22 Democrats and 8 Independents. In the House the Republicans counted 79, the Democrats 67 and 7 Independents, thus giving a small faction the balance of power on joint ballot. The Independents clung obstinately to their Senatorial candidate (Judge David Davis) and finally the Democratic vote was transferred to him, thus giving the required majority, and the Republicans failed to secure an office they claimed was justly theirs. While such an occurrence is unfortunate, it is simply an illustration of the occasional extraordinary influence of a small faction holding the balance of power. This may and does happen under any system of election and is not a defect peculiar to the cumulative system.

Another objection to minority representation is that in case of the death or resignation of a House member the majority party would elect the new member of that district regardless of the politics of the ex-member. In exceptional cases such as the election of a United States Senator, when the vote is close and party lines tightly drawn, this might give a party a majority to which it is not justly entitled and which might be of considerable importance. In many legislatures in Illinois vacancies have been caused by death or resignation, yet no great injustice has ever been worked in filling these and the likelihood of such events causing party disaster is so remote as to be scarcely worthy of consideration.<sup>1</sup>

#### IV.

##### EFFECT ON PARTY ORGANIZATION.

An investigation of the practical workings of cumulative voting is difficult, since with the exception of the bare facts

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<sup>\*</sup>What has actually happened has been exactly the reverse of the above. In 1885 at the death of a member of the House, Senator Logan by consummate political skill secured the election of a Republican member from a strongly Democratic district, and was, as a result, elected to succeed himself as United States Senator.

to be derived from official statistics, there is little information on the subject. The history of the scheme is contemporaneous history and it is not easy to determine what has been accomplished by a movement still in progress. Many of the facts must be sought from individuals still in active life and in order to supplement statistical information, a list of questions was sent to members of the present legislature, state officials, editors of some of the more important newspapers of the state, individuals who are active in civic reforms and a few other prominent citizens. The tabulation of the answers obtained will appear in this and following sections.

In a preceding section appears the following quotation from the report of the Committee on Electoral Reform to the constitutional convention:

"It (minority representation) will also tend powerfully to relieve the voter from the despotism of party caucuses and at the same time constrain party leaders to exercise more care in selecting candidates for law-making. There is nothing which will more effectually put an end to the practice of packing conventions than arming the voter with the three-shooter or triple ballot power, whereby he may fire 'plumpers' for the candidate of his choice and against those of his aversion." In other words, the cumulative vote would deal a death blow to party bossism. In a recent report issued by the Legislative Voters' League of Chicago appear these statements: "By it (minority representation) the people of Illinois have lost control of their Legislature," and "Minority representation has been one of the most vicious acts ever placed upon the statute books;" "The candidates nominated and elected under the present system are in most instances merely errand boys and messengers for the party boss."<sup>1</sup> It would be

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<sup>1</sup>But compare the following from the reports of this same organization: "The things which have distinguished this Legislature are the high character of a majority of its members...." "We are prepared to state that it is an absolute fact that a large majority of the members of the 44th General Assembly are honest and patriotic citizens" and various kindred statements.

difficult for two assertions to be more widely contradictory. One is the statement made by a civic reformer prophesying the results of one of his favorite projects, the other was made after that scheme had been tried for thirty-five years. While the first, being but a prophecy, can prove nothing, neither do the latter empiric dogmatic statements convince.

One of the questions contained in the letter of inquiry was, "Does the system (cumulative voting) increase or diminish the power of the party machine?" Eighty-four definite answers were received to this question. Nine asserted that the power was diminished, thirty-five maintained that the system had no effect on party organization, while forty asserted, and most of these were very certain as to the correctness of the answer, that the influence of the party machine was greatly increased. It is interesting, if not important, to note that of the nine who thought party power was diminished, seven are members of the present legislature and in general there is considerable variation between the answers of politicians and others who are but observers or critics of political affairs.

One strong evidence of strict party control is the limited number of real candidates nominated, especially in the Chicago districts. It is true that there are frequently seven or eight candidates for the three places at each election, but usually there are but three nominees of the two dominant parties combined and nomination thus becomes practically equivalent to an election. Other candidates represent various minor parties and are fully aware that ordinarily they have no chance of election. The usual rule is for the majority party to nominate two, the principal minority one, and this custom is practically universal so far as the former party is concerned. Prior to 1896 three candidates were occasionally nominated by one party, but this happened only in districts where the majority party was unusually strong and had some hopes of electing three members; or, what was more usual, the three candidates were the result of



county factional controversies where two or more counties are combined in one district. In such cases it sometimes happened that the larger county demanded and secured both regular nominees and the smaller county, for the sake of revenge, would adopt the suicidal policy of putting a candidate of its own in the field. So far as we are aware, no majority party has ever nominated three candidates in order to give its constituents a greater choice at the polls.

The number of candidates to be nominated, ordinarily no more than can be elected, is determined by the party leaders and the nominations have been made in caucuses and conventions which are the creations of the party and where the party cliques and professional politician usually have complete control.<sup>1</sup> Under such conditions and considering the shrewdness with which party leaders have always taken advantage of every opportunity to build up a compact organization, can there be any doubt but that the "machine" will have a firm grasp on legislative elections?

In Cook County, which has nineteen districts and consequently fifty-seven Representatives to elect, there have been but from 59 to 61 candidates presented by the combined Republican and Democratic parties. The rule of having but three candidates presented by the two political parties is almost universally adhered to in this county, though in at least one district both in 1904 and 1906 the majority party was strong enough to elect all three Representatives but presented only two candidates.<sup>2</sup> This failure of a party to grasp power evidently within its reach is strongly indicative of a "gentleman's agreement" between the leaders of the two parties regarding the division of spoils. In the districts outside of Cook County the appearance of four candidates of the two

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<sup>1</sup>Under the new primary law which went into force July 1, 1908, the party committee in each Senatorial district is empowered to determine in advance of the primaries the number of nominations to be made by the party in its district. Thus what was heretofore a mere understanding among the party leaders now becomes an official determination by the party organization, in pursuance of law.

<sup>2</sup>Seventh District.

great parties is not so unusual but the custom of having four or more nominees is by no means universal. In 10 of these 32 districts in 1906, the two dominant parties nominated four candidates for the three positions. In 1904 in the same districts four candidates were nominated in but eight of them; in 1902 four candidates were nominated in but seven districts. In 1900, under the apportionment of 1893 in which there were 36 districts outside of Cook County, 20 districts had four or more candidates of the two main parties in the field; in 1898, 26 districts and in 1896, 20 districts; in 1894, 29 districts.

It appears from the above figures that the voters of the minority party in certain districts have had some choice of candidates at the election. It will also be seen that there is no uniform rule governing the action of the minority in regard to nominating two candidates but there is a very evident and material decrease in the number of four-candidate districts in the three elections since 1900. Whether this is merely accidental or whether it is a permanent tendency cannot at present be definitely determined. Whenever there are two candidates on the same ticket and but one can be elected there is obviously an excellent prospect for an intra-party fight. The country districts are tiring of taking chances of wrecking the party by internal strife with no prospect of gaining any greater representation than if the party leaders took the matter in hand and nominated no more than could probably be elected. Because of these conditions the tendency apparent since 1900 to reduce the number of candidates will probably continue.

A study of election statistics reveals little or nothing regarding party discipline. In some districts where there are four candidates and naturally each nominee of the minority party will induce as much "plumping" for himself as possible, the equality of the vote would seem to indicate an unquestioning obedience to the party exhortation not to "plump," but to vote one and one-half votes for each candidate. In other cases "plumping" does appear but it is impossible to tell whether this is due to a voters' rebellion

against party domination or whether it is an indication of the power of the party bosses, since it might be the result of the latter using their influence to elect a weak candidate.

Such a scheme as minority representation and cumulative voting must automatically increase party control. Several thousand voters coming to the polls each with three votes to distribute as he sees fit, without a certain amount of party supervision, can lead to nothing but confusion, injustice, and misrepresentation. Some popular candidate might receive a large share of the votes while two others, a majority of those to be elected in this case, might be selected by a comparatively few votes cast for each. There would inevitably be such a waste of votes and unfair representation that the people would demand, or at least acquiesce in, the dictation of party managers in order to prevent such useless and indiscriminate voting.

The undesirable conditions described above are not a mere supposition of what might happen but specific instances can be cited of the disaster attending cumulative voting elections without party organization among the mass of the people. The best illustrations are the somewhat notorious School Board elections in England in 1870 already mentioned, when in some of the districts as many as fifteen members were to be elected and each elector, as in Illinois, had as many votes as there were places to be filled. In Manchester there were fifteen members to be elected. "Manchester is famous for two things—first, the fervor of its Protestantism; second, the number, organization and strength of its working classes. But at this election two Roman Catholics were brought in at the head of the poll, one of them receiving nearly 20,000 more votes than any Protestant candidate and no working class candidate, of whom there were seven, being elected at all."<sup>1</sup> In Marylebone, a district of London, the favorite candidate received 47,858 votes and the next in the list had only 13,494. In Finsbury, another district of London, the highest number received by one candidate

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<sup>1</sup>Dutcher, *Minority Representation*. p 72.

was 27,858 and the next highest but 10,766. In Birmingham the fifteen successful candidates were voted for by about 18,800 voters, while 10,100<sup>1</sup> lost their votes on unsuccessful candidates—a much greater percentage of non-representation than usually prevails in the single vote method. If specific instances are necessary to prove what appears an almost axiomatic truth—the futility of attempting an election with the cumulative vote without party organization and leaders able to control that organization, the English school board elections furnish some very instructive examples.

While there can be no doubt but that a scheme of cumulative voting, because of inherent peculiarities, will create a demand for a strong party organization, this does not necessarily condemn the system nor does it necessarily imply that the members of the various legislatures of the state have been “machine” men in the opprobrious sense in which that term has come to be used. However, legislative conditions in the state have not been altogether satisfactory, to put it mildly, and the records of some of the legislatures have not been ideal. Granting, for the sake of argument, that all the many accusations made against the legislature in the past few years are true, it would appear that the cumulative voting system has been more sinned against than sinning. Admitting all the charges, there is no evidence anywhere nor any analogy from which conclusions can be drawn which would warrant any belief other than that the “machine” would be just as corrupt and have just as complete control as it now has if the cumulative vote had never been used. An investigation of the legislatures of New York, Pennsylvania, Ohio, Kansas, Oregon—in fact, almost any state selected at random, will show that other states suffer from exactly the same political “boss” evils of which Illinois complains. The sins of the latter state’s legislature seem to be those of omission rather than commission. There have been vexatious delays in securing legislation made necessary by the rapid advance of the state, but there have been few or no charges of

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<sup>1</sup>Dutcher, *Minority Representation*, 69-74.

positive corruption such as are not altogether infrequent in other states.

The same organization which calls the cumulative voting system the "most vicious piece of legislation ever placed on the statute books" also says: "These two measures illustrate how the organizations of the Senate and House work hand in hand. They divide the responsibility—one kills one bill and the other another."<sup>1</sup> In other words, the Senate is as bad as the House and yet the Senate has never been tainted with the cumulative vote. Also in this state there was no cumulative voting prior to 1872, and surely the records of some of these earlier legislatures are nothing of which to boast. So greatly did the early law-making bodies abuse their power that one of the principal reasons for calling a constitutional convention in 1848 and again in 1862 was to limit legislative discretion. It is not necessary here to describe the "internal improvement" policy, the oppressive state debt, attempts at repudiation, the passage of questionable private bills and the long, dreary list of legislative shortcomings, but it is doubtful if the later legislatures can equal the unenviable records of many of their early predecessors.

As might be expected the worst complaint comes from Chicago and it is here that the cumulative system has been most abused. This is only one of numerous examples of the inability of municipalities to govern themselves successfully. Under present conditions any system, no matter how ideal, would probably go amiss in Chicago, though on the whole it has been better governed than most of the large cities. If there are at present in Chicago but 59-61 real candidates to fill 57 positions, under the one-member district and single-vote the city would probably be so gerrymandered with ward lines for district boundaries that there would be no more real candidates than at present. The agitation in Chicago against the cumulative system is only an-

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<sup>1</sup>Legislative Voters' League, *Preliminary Report on the 45th General Assembly*, 1908.

other indication of the tendency of the cities persistently to attribute their misgovernment to the constitution and to demand a change here rather than place it on the electorate, where it belongs—in other words, an attempt to dodge the real issues by trying to reform the constitution instead of public sentiment.

The above is written with no intention of either defending or condemning the state legislatures, but rather to clear the cumulative voting system of certain charges of which it is not altogether guilty. It would be useless to deny that the cumulative vote requires strict party discipline and that in this system the political “boss” found ready made a means of exercising his control, but all evidence tends to show that if such means had not been furnished he would have found methods of his own to accomplish the same result. It is, of course, a very negative sort of a recommendation to say that a system is no worse than others but, so far as the evils of excessive party control is concerned, that is the most that can be said for the cumulative system as actually applied in this state. But it should be borne in mind that these evils are not all due to cumulative voting *per se*, but rather to abuses of the system, and here is really the heart of the whole question. As the scheme has worked out in practice legislative nominations have become practically equivalent to election and the evil is of course that these nominations are largely controlled by a limited number of party leaders. If it can be freed of its abuses and allowed to work out its legitimate results, minority representation in Illinois has much to commend it. But if these abuses cannot be prevented it is difficult to see how the party’s control of legislative nominations can be removed. The possible remedies for these practical evils will be considered in a later section.

## V.

PRACTICAL DIFFICULTIES OF THE CUMULATIVE SYSTEM AND ITS  
EFFECT ON THE LEGISLATIVE PERSONNEL.

When the advocates of electoral reform were busy formulating schemes of minority representation they had no difficulties in devising theories that would afford such representation with mathematical exactness. The real difficulty lay in making these methods so simple that the ordinary voter could exercise his privilege intelligently and the returning boards tabulate results readily and accurately. The Committee on Electoral Reform in the constitutional convention also struggled with this problem and abandoned their first device as too complicated. The plan finally recommended was the simplest the committee could devise, but even then it was feared there would be difficulty in voting and counting the votes. As a matter of fact, as often happens whenever any new system of voting is put into operation, there was at first some difficulty at the polls, but this grew less as the voters became more familiar with the plan. Later, when the Australian ballot was introduced, more obstacles were encountered. To obtain additional information on this subject the following question was included in the list sent out by the writer: "Are there any practical difficulties in voting, counting votes, etc?" Of the ninety-three answers received to this question, sixty asserted that there were no difficulties at all, or, if any, they were so slight as to be of no real importance. Thirty-three answered that the difficulties were serious enough to constitute a real objection. In the great majority of cases these thirty-three were opposed to the entire plan and were inclined to attack every phase of it whether there was really justification for such attack or not. Whatever difficulty there may have been was due largely to the vagueness and indefiniteness of the statutes, but this defect was remedied by an act of 1905.<sup>1</sup> To count and record half votes may require a

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<sup>1</sup>Revised Statutes, 1905; Ch. 46, section 54.

little more time to arrive at results than under the ordinary system of voting, but beyond this inconvenience the practical difficulties are so slight that they cannot be considered as any real objection.

With the idea of determining public sentiment on the question and to ascertain if minority representation in its somewhat crude and limited form was regarded sufficiently successful that the people of the state would approve of a wider application of the principle, a question was included in the previously mentioned list asking what advantages, if any, would be gained by increasing the size of the districts and electing more than three men from each. Evidently the larger the districts and the more officials elected from each, the more opportunity small factions would have of being represented and the more nearly the scheme would approach proportional representation. Of eighty-eight who replied directly to this question, three favored the idea of larger districts and eighty-five disapproved, but it is evident that the answers are of but little value so far as an expression of opinion regarding proportional representation is concerned. Apparently none of those replying considered the wide extension of the principles of proportional representation which such a change would entail and opposed any such increase in the size of the districts on grounds of general expediency. The answers are, however, very significant in indicating how completely the idea of proportional representation has sunk into desuetude and how completely it has been eliminated from the list of live political questions in this country.

In investigating minority representation in Illinois an attempt was made to ascertain what effect, if any, the scheme had on the personnel of the legislature. This is obviously a rather delicate subject and an exceedingly difficult one to investigate. The people of the state are familiar with the various legislators, past and present, and have, in a general way, a knowledge of their ability, but the quality of men who might have been in the



legislature under some other form of election is an entirely unknown and indeterminate factor. In the list of questions sent out the following was included: "Are the candidates nominated and elected under the present method of better character or of more ability than would probably be secured under the ordinary one-member district system?" Of the eightyfour who replied to this question directly, six answered unequivocally in the affirmative and twenty-one in the negative, for the most part quite positively. Thirty-three made the cautious answer that at least the members usually secured were no better than would be elected by other methods, while twenty-four were of the opinion that the method of election had no effect on the character or ability of members.

Since the question propounded cannot be answered definitely and at best is largely one of opinion, the ideas of some of the representative citizens of the state on the subject may be interesting. The conclusions of those interviewed are based on observation and experience and their standing in the community is in all cases such as to entitle their opinion to consideration.

A member of the present legislature says: "I would say in general they are probably more representative men." Another member of the General Assembly declares: "The worst candidate stands the best chance of election as appreciating the fact that he is weak the "plumping" is often times overdone to even up the vote." An editor answers the question succinctly and positively: "Most assuredly not." A well known Chicago lawyer asserts: "I believe that the one-member district plan would be infinitely preferable in its results both as to character and ability of the representatives secured. This because it would require an actual fight before the people for election." Another editor remarks: "Undoubtedly no. In proportion as responsibility is divided men of less character are chosen for public service." A prominent official answers: "No. I believe the present system secures poorer results in both character and ability than a flat one-vote process. I think the cumulative three-vote plan enables an in-

ferior candidate to be elected in many instances." A Chicago citizen says : "I think the reverse is true, as the men selected are willing to hold their offices as the henchmen of the political leaders and are apt to be less independent than the men who would be selected in the ordinary one-member district." A member of Congress expresses himself as follows: "I do not think the present system can have any relation to the character and ability of the candidates. Neither better nor worse candidates are selected on account of it." Another writer: "Do not think the method of election would have anything to do with it. The office, not the man, attracts the candidate." Two members of the present legislature state: "It would probably be the same fellows." "The source and character of the constituency govern these things." Another citizen is eloquent by what he omits: "This is very hard to answer. We elect our aldermen each election, *one* from a ward and \* \* \*". Others say: "I do not think the system affects the matter of ability. Illinois members compare quite favorably with members from other states." "This is a doubtful question and perhaps the time will never come under any circumstances or system that may be adopted when the best men will represent the people in the legislature of any state." "No difference as to character or ability. Only gives a more diversified representation."

As quoted in a preceding section the Electoral Committee held that: "It (cumulative voting) will increase the usefulness of the legislature by improving the membership. It will enable virtuous citizens to elect the ablest and purest men in their midst and secure to the legislative councils a large measure of popular confidence and respect." How far this contention has been justified in popular opinion is indicated by the tabulation given above—but six out of eighty-four maintaining that any improvement in the personnel of the legislature has been achieved.

It should be noted in this connection that many of those who maintain that the personnel of the General Assembly has deterior-



ated because of the cumulative vote ascribe the blame to the pernicious system of nominating rather than to the method itself. The individuals expressing opinions are not altogether fair in their comparisons between the cumulative vote and the ordinary method. They are fully aware of the defects of the method used and compare an actual system and its practical evils with an ideal conception of the one-vote method, forgetting that the latter leads to equally bad, if not the same, evils, when put into operation. Then again, it is the fashion to decry and ridicule all legislative bodies from municipal councils to the Congress of the United States. Creative legislation is a difficult task and when mistakes are made many self-constituted critics appear and denounce both statutes and their authors and allowance must be made for this prevailing custom.

There are two features, aside from the increased power of the party machine, which may aid in the election of inferior candidates. It was expected that the voter's privilege of "plumping" would tend to defeat undesirable men but in fact this has at times worked out in exactly the opposite way. Practice here illustrates how easily a reform may be utilized advantageously by the very people against whom the measure was aimed and the the "triple-armed voter—the terror of party despotism" seems to have been reduced to a very harmless terror indeed. As already mentioned the party ring may exert all its influence to elect its candidate while an honest nominee may unwittingly aid his own defeat by asking his party to divide the vote equally between himself and his ticket-mate. While such cases may happen their frequency has undoubtedly been exaggerated. Election statistics show but comparatively few instances where a candidate has been defeated by plumping. Even assuming what facts will not warrant, namely, that all nominees who fail of election are the very ones that should have been elected, few men have been kept out of the legislature on this account, who, for the good of the community, should have been there.

Another circumstance which may affect the personnel of the legislature is incidental rather than essential to minority representation. In this state, if three legislators are to be elected from a district, the number of these latter must be somewhat limited and this necessitates the union of two or more counties. This combination leads to jealousies between the counties, each fearing that it will not get its share of the spoils. When fights of this sort occur the personality and qualifications of the candidates are lost sight of and the only question considered by the voter is whether or not the nominee is a "home" man. While these county feuds exist and are sometimes of long standing, it is doubtful if they produce much effect on the personnel of the legislature. Some desirable candidates have probably been defeated because of county jealousies but it is probably true that just as many undesirable nominees have failed of election for the same reason and the account is about balanced.

Many of those expressing their opinion on the subject believe that the method of election has nothing to do with the character and ability of the legislators and this seems the reasonable and logical view. The voters and character of the voters will be the same regardless of the method of election and, generally speaking, elected officials are representative of those from whom they receive their credentials. This, of course, assumes that the people really do select their legislators, but with the present system of nominating party organization wields an immense influence and leaves but little choice to the electorate at large.

While the cumulative vote requires strict party discipline, the abuse of that discipline does not necessarily follow, but it is evident that when the innovation was introduced into Illinois it was not properly safe-guarded. The people of the state have watched the subversion of their election system and while little has been done to abolish the cumulative vote by a constitutional amendment several schemes have been proposed to free it of its attendant practical evils. A reform which has been suggested and

championed by at least one rather prominent civic organization is to compel each party to nominate a full ticket of three candidates. The object is, of course, to present a considerable number of men from which the voter may select those he considers best qualified but the attempt to inaugurate this change without specific statutory authority failed. This method would obviously be a plain violation of the spirit, if not of the letter, of the constitution if such a law or custom were followed in good faith. For illustration, we will assume a district in which the Republican party has a majority. This party would nominate a full ticket and the Democratic and other minority parties would do likewise. Since party disaffection is the unusual rather than the usual condition, the result would be ordinarily that each voter would deposit one vote for each candidate of his party, and the three Republican nominees would be elected and minority representation practically abolished. Such practice would give the independent voters a chance to exercise their discretion but it is only when the occasional wave of civic virtue sweeps over the country that they become numerous enough to endanger party success. The usual results of each party having a ticket of three candidates would be that the majority party would elect all three representatives at the expense of the minority.

If three men were nominated in good faith by each party, thus putting a larger number of candidates in the field, of which only three could be elected, the result would be a hard, bitter fight, not between parties, but between nominees on the same ticket. It would be easier for a Republican, for example, to secure one or one and one-half votes from his colleague than it would to cross party lines and secure the same from his Democratic opponent. Parties would be demoralized, cliques and rings would grow up around certain individuals and campaigns would be waged not on political issues but personalities. Such a change would in no way effect the real evil in the case and would only make a bad affair worse.

In the above it is assumed that in nominating three candidates each party acts in good faith. Every conclusion, however, that can be drawn from past history or present conditions indicates that such practice would not be conscientiously carried out by any party nor is it probable that any legislation could accomplish the desired result. Taking the example previously given, if the Democrats only had enough votes to elect one man if they "plumped" on him, they undoubtedly would "plump." Three names might appear on the ticket, but it would be made known that two of them were there to meet technical requirements and that there was but one real candidate. A rebellious voter might not vote for that one but if he did not he would be practically sure that he was wasting his vote.

The basic evil has been the method of nomination. So long as nominations are made in caucuses or conventions and the number of candidates rigorously restricted to the number that can be elected, so long will the cumulative vote be abused and made the affective tool of the party ring. A reform proposed to remedy this defect is a direct primary law which, it is hoped, will deal a death blow to machine domination. The strength of party organization is well illustrated by the history of the movement for direct primary. Practically all of those interviewed on the subject, including a considerable number of members of the present legislature, were in favor of such a statute, and none expressed themselves as opposed, yet there was a long, hard fight before an act of this nature was passed and sustained by the courts.

The portion of the recent act applying to legislative nominations provides for a senatorial committee consisting of one member from each county in districts of more than three counties; otherwise three members, all to be chosen by popular election. Any citizen legally qualified to fill the office may become a candidate for representative at the primary and have his name printed on the official ballot by filing a petition signed by one-half of one per cent of the primary electors of his party in the district. Because of the easy fulfillment of

the requirements there should be no dearth of candidates. Political managers, however, did not entirely release their hold on legislative elections as the principal duty of this senatorial committee for each party is to determine how many candidates shall be nominated. As a result, there will probably be no more real nominees for the legislative positions than there have been in the past.

An attempt was made to amend the present law so as to allow the voters to decide for themselves whether each party should nominate one, two or three candidates for representative. The amendment was not incorporated in the bill and a loud complaint was made against "machine" domination. Whatever may have been the purpose in delegating to this committee the authority to determine the number of candidates, the power thus given is really not as important as it might appear. The cumulative voting system, as has been pointed out, requires a definite means of controlling the number of candidates and this committee is probably as well qualified to determine this matter as any that could be devised. If left to the people, possibly at the first election, the voters, rejoicing in their new-found freedom and reacting from the prevailing party control, might decide to increase the number of candidates. The confusion and inequalities resulting would be such that the electorate would soon decide to do what in all likelihood the present committee will do, namely, nominate no more candidates than can probably be elected. It may make excellent political capital for a party to pose as the advocate of civic reform and a friend of the people by leaving the whole matter to popular election but so far as results are concerned they will be essentially the same in either case.

If the people are allowed to select their candidates by direct ballot at the primaries it is difficult to see any particular advantage in having a large number of nominees in the field. If a candidate receives, or fails to receive, a plurality at the primaries the probabilities are that he would receive the same proportion of

votes at the final election and results would only be changed by trades, deals and other political manipulations. In other words, a direct primary vote should be as accurate an index of popular sentiment as a regular election and a candidate thus selected should be as representative of the people as one who secures a certificate of election as a result of the final vote. This, of course, would make the real fight for office at the primary rather than the final election as the nominee would have the advantage of compelling an aspirant for office to go through but one, instead of two, more or less expensive and disagreeable campaigns. If the candidate is required to fight for his place both at the primary and at the election it will involve such an expenditure of time and labor that many desirable men will refuse to become candidates for the office of representative which offers but little pecuniary reward and sometimes no great honor. The position would then be left to professional politicians who by some art are able to make the office pay for the expense incurred in securing it.

Another advantage in having the real contest at the primaries is the fact that they are usually held some time prior to the final elections. (In Illinois under the recent act, after the first year, primaries will be held in April). This removes the local elections from the turmoil and excitement of the general campaign in the fall and will be especially advantageous in presidential years as the electorate will be more likely to select a representative because of his personal fitness or his views on local issues than because of his opinions on questions relating to tariff or imperialism. If the real contest for office is thus transferred to the primaries and the final election is to ratify what has already been decided, the only advantage of the cumulative vote, since the practice does not prevail at the primaries according to the recent law, is that it secures representation for a minority party in each district and prevents the tyranny resulting from overwhelming majorities.



## PUBLICATIONS OF THE UNIVERSITY OF ILLINOIS

Following is a partial list of the publications issued at the University:

1. THE UNIVERSITY STUDIES. A series of monographs on miscellaneous subjects. For contents see inside.  
Address Editor of University Studies, 305 University Hall.
2. THE JOURNAL OF ENGLISH AND GERMANIC PHILOLOGY. Published quarterly. Three dollars per year. Address Journal of English and Germanic Philology, 313 University Hall.
3. THE BULLETIN OF THE ENGINEERING EXPERIMENT STATION. A report of the research work in the Engineering Experiment Station. Address Director of Engineering Experiment Station, University of Illinois.
4. THE BULLETIN OF THE AGRICULTURAL EXPERIMENT STATION. Address Director of Agricultural Experiment Station, University of Illinois.
5. THE BULLETIN OF THE STATE LABORATORY OF NATURAL HISTORY. Address Director of State Laboratory of Natural History, University of Illinois.
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8. REPORT OF THE STATE ENTOMOLOGIST. Address State Entomologist, University of Illinois.
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